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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,325	06/02/2000	Guy Nathan	871-83	7170

23117 7590 06/04/2003

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,325

Applicant(s)

NATHAN ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Amendment***

1. Amendment B, paper # 10, received on March 24, 2003 is acknowledged and entered. Claims 1-14 are cancelled and new claims 15-28 have been added. Currently claims 15-28 are pending for examination. Also receipt of new formal drawings, paper # 12 is acknowledged.

Response to Arguments

2. With regards to the applicant's arguments (see remarks, pages 8-9) and the cancellation of claims 1-14, objections to specification, drawings and claims 1-14 and rejection of claims 1-14 under 35 USC 112, second paragraph are withdrawn. The examiner does not agree with the applicant's arguments that Nathan/Kleiman does not disclose enabling the user to select a song to be played on a later date at a given time on a given jukebox or on several given jukeboxes and to record a voice message to be played before the song to be played (see remarks, pages 10-11) as Nathan/Kleiman discloses these limitations (see at least Nathan col.6, lines 7-16, "*..The IRM modulereproduction of complete selections ...spoken promotional announcements of new musical selections....*". Note: just like these spoken promotional announcements voice messages can be recorded and played before playing of the songs. Also see at least Kleiman col.4, lines 32-59, "*...It is further object of the present invention to provide newly installed systems with music on demand ...and to provide ...music based on local user needs at deferred times.....multiple locations for a single transmission of music to the multiple jukeboxes simultaneously....*", col.9, line 59-col.10, line 17).

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In view of the foregoing the examiner does not agree to the applicant's traversal of the rejection of claims 1-14.

Claim Rejections - 35 USC § 103

3. Claims 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathan (US Patent 6,336,219) and further in view of Kleiman (US Patent 5,959,945).

Nathan teaches the claimed limitations of claims 15-28, that is a method, device and system where a jukebox and a server can communicate with each other and receive messages and store them, display the identity of the destination equipment, receive the selection to be played on the destination equipment, special requests are recorded and downloaded on a file, execution of the request at a given time and date, making payments, (at least see, abstract, FIG.1. Note: Fig.1 which represents the electrical scheme of Patent '219 is similar to that displayed in the Fig.1 of the claimed invention, abstract, col.1, lines 15-38, col.1, line 66-col.2, line 24, col.4, lines 63-67, col.8, line 9-col.10, line 22. Note: Nathan's teaching of "enable a particular song to be played at a defined time ", relates to play the selected/requested in advance songs at a later date at the destination equipment). Nathan, further, teaches to record a voice message to be played before the song to be played (see at least col.6, lines 7-16, "*..The IRM modulereproduction of complete selectionsspoken promotional announcements of new musical selections....*". Note: just like these spoken promotional announcements voice messages can be recorded and played before playing of the songs). Nathan also teaches that the operating software is built up around a library of tools and services (see at least col.5, lines 17-27) and these tools and services may well include C++ language

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using OOP-Object oriented programming methodology. C++ language and OOP-object oriented programming methodology was well-known tools at the time of the invention to be used and applied to a messaging interface of an electronic messaging system such that a set of OOP classes and objects for the messaging interface can be provided.

Nathan does not show ordering in advance selected songs for an event.

However, Kleiman, in the same field of distributing music to a plurality of Jukeboxes, teaches ordering in advance selected songs for an event (at least see, col.4, lines 21-59, "...A music hierarchy system exists in the juke box for determining customer preferences...It is further object of the present invention to provide...with music on demand andmusic based on local user needs at deferred times ...". Note: customer preferences and music on demand based on local user needs at deferred times in Kleiman relate to customer's selection and ordering in advance for a desired event as claimed in the application. Also see col.5, line 60-col.8, line 67, col.9, line 59-col.10, line 17). It would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Nathan to include the concept of ordering in advance selected songs for an event, as shown in Kleiman. Doing so would help the users to enable a particular selection of songs to be played at a defined time, as suggested in both Nathan (col.8, lines 60-63) and Kleiman (col.4, lines 37-40).

Nathan/Kleiman does not teach displaying a list of events and selecting an event. Official Notice is taken of both the concepts and benefits of displaying a list of events and to selecting an event in the field of events related to social expressions like, bridal shower, baby shower, wedding, birthday, funerals, graduation, anniversary events enabling the user to select one of them and then making it convenient and easy to choose the item, like greeting card, gift, for that event. It would be obvious to a person of an ordinary skill in the art at the time of the invention to modify Nathan/Kleiman to

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include the feature of displaying a list of events and selecting an event for playing a selection of songs. Doing so would make it convenient and easier for the user, as in the case of selecting greeting cards and gifts, to select the songs as per his preference and required by the occasion.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,571,282 B1 to Bowman-Amuah teaches the use C++ language utilizing OOP-Object Oriented programming, which was a well-known tool at the time of the invention, to apply to a messaging interface of an electronic messaging system such that OOP classes and objects can be provided for messaging interface (see at least col.10, line 45-col.12, line 49).

(ii) EP 0974941 A1 to Touchtunes Music Corp., published on January 26, 2000, which is the parent of US Patent 6,336,219 B1 used as a reference above, combined with Kleiman can be applied to render claims 15-28 obvious and unpatentable.

(iii) WO 96/12257 to Technical Maintenance Corp., published on April 25, 1996, which is the parent of US Patent 6,308,204 B1, combined with Kleiman can be applied to render claims 15-28 obvious and unpatentable.

(iv) US Patents 6,191,780 and 5,355,302 to Martin et al. disclose a system and method for managing a plurality of computer jukeboxes and also to include a customized segment, which could be a promotional advertisement or any other data like a message before a song is played.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F (8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
Art Unit 3625

YCG
May 28, 2003


Jeffrey A. Smith
Primary Examiner